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PATENT APPLICATION
Attorney Docket No. 07574.0031.PCUS00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: FALL, Peter

SERIAL NO.: 09/681 441 **GROUP ART UNIT:** 3682

FILED: 5 April 2001 **EXAMINER:** LUONG, Vinh T.

ENTITLED: PEDAL ARRANGEMENT IN A VEHICLE CAB

CERTIFICATE of HAND DELIVERY

I hereby certify that this correspondence and any attachments referred to therein is being hand delivered to the United States Patent and Trademark Office, Arlington, Virginia 22202 on 15 October 2002.

Daniel Hernandez

Commissioner of Patents
Washington, D.C. 20231

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GROUP 3682

REPLY UNDER 37 C.F.R. § 1.111

Dear Sir:

In reply to the outstanding Office Action dated 21 August 2002, Applicant submits the following remarks and amendments:

EXAMINER'S RESTRICTION

The Examiner has required election of a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable under 35 U.S.C. § 121. According to the Examiner, the application contains claims directed to the following allegedly patently distinct species of the claimed invention:

- I. Group I – Figure 1; and
- II. Group II – Figure 2.

The Examiner has indicated that no claim is currently considered to be generic. It is noted that the Examiner has provided no reason as to why Figures 1 and 2 refer to two patently distinct species of the claimed invention. Further, it is noted that the Examiner has provided no reason as to why it would place a serious burden upon the Examiner if the two groups are not restricted.

ELECTION AND REMARKS

For the following reasons, Applicant respectfully traverses the Examiner's restriction requirement. Figure 1 illustrates one embodiment of the presently claimed invention. Figure 2 illustrates another embodiment of the presently claimed invention. Both sets of Figures are directed to the same claimed pedal arrangement. As indicated in paragraph 0012 of the application, the only difference between both embodiments is that the rod 12 is rigidly fixed to the upper arm 2a of the pedal arm 2, whereas in Figure 2, the rod 12 is pivotally joined to the upper arm 2a of the pedal arm 2. In all major aspects, the two embodiments function in the same way and are the same for the purpose of the presently claimed invention.

Accordingly, Figure 1 is directed to the same invention as Figure 2 and therefore the two embodiments illustrated in the Figures are not patentably distinct. Further, no serious burden will be placed on the Examiner in prosecuting both groups of Figures in the present application because, as noted above, both sets of Figures function in the same way in all major aspects.

Finally, all claims can be applied to either set of Figures. For these reasons, withdrawal of the Restriction requirement is respectfully requested.

Further, Applicant submits that at least independent claims 1, 7 and 8 are generic. Those claims require a pedal arm, a pivot point and a motion-transmitting element. All of these elements are comprehended within the confines of both species, and do not include material element in addition to that recited in any species claims.

In the event that the Examiner is still not persuaded by the above remarks and still requires election, Applicant thereby elects WITH TRAVERSE that species corresponding to **Group I (Figure 1)**, of which claims 1-17 are readable thereon, for continued prosecution at this time.

Applicant furthermore elects at this time not to amend the described specification so as to provide adequate disclosure for any divisional application(s) that may follow.

Applicant believes this reply to be complete and proper in all respects, made in a *bona fide* attempt to advance the above-captioned application to issuance. Applicant respectfully requests, however, that if Applicant has inadvertently failed to comply with any requirement or consider any matter, Applicant be given notice of the same and a new time period for reply.

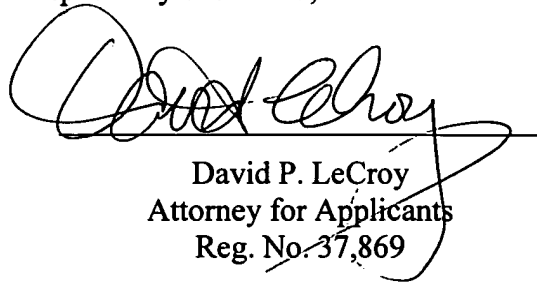
In view of the foregoing, Applicant respectfully requests reconsideration of the present application. Allowance of the claims is believed to be in order and such allowance is respectfully requested.

Dated:

14 October 2002

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Respectfully submitted,


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